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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,512	11/28/2000	Katsuki Minamino	450100-02864	4886
20999	7590	12/05/2006		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER OPSASNICK, MICHAEL N	
			ART UNIT 2626	PAPER NUMBER

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/723,512

**Applicant(s)**

MINAMINO, KATSUKI

**Examiner**

Michael N. Opsasnick

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8,10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 11 is a computer program that does not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized (Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035). Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. Claims 1,3,5-8,10,11 rejected under 35 U.S.C. 102(b) as being anticipated by Edatsune (US Patent 5,802,488).

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As per claims 1, 10 and 11, Edatsune (US Patent 5,802,488) discloses an interactive speech recognition device, method and computer program disposed in a robot comprising:

speech recognition means for recognizing speech including a dictionary in which words to be recognized in speech recognition are described (Col. 10, Lines 35-42; Col. 4, Lines 25-28; Fig. 1A; Col. 4, Lines 25-28; Fig. 2B, see element 5);

control means for controlling said speech recognition means in accordance with a growth state of said robot, wherein said growth state is comprised of a plurality of nodes corresponding to increasing maturity levels for said robot (drive control unit; Fig. 1B, element 7; Col. 12, Lines 23-56);

action decision means for determining and performing a predetermined action in accordance with the speech recognized by said speech recognition means and an occurrence probability of the predetermined action as determined by the growth state (Col. 4, Lines 62-Col. 5, Lines 5; Col. 5, Line 60 – Col. 6, Line 3 with Col. 11., Lines 8-32 and Col. 12, Lines 25-56);

said control means controls said speech recognition means such that the words described in said dictionary are weighted in accordance with the growth state of said robot and speech recognition is performed using the weighted words (Fig. 2B, see words weighted through multiplication with coefficients; Fig. 3A, see Response Content Level Generation Unit; increasing the level of response as time passes and relationship between passage of time and level value is stored, Col. 11, Lines 8-32; recognition data is created in accordance with the content level, Col. 11, Lines 47-59).

As per claim 3, Edatsune (US Patent 5,802,488) discloses an interactive speech recognition device, method and computer program wherein said control means changes the recognition accuracy of said speech recognition means in accordance with the growth state of said robot (Col. 16, Lines 35-42).

As per claim 5, Edatsune (US Patent 5,802,488) discloses said speech recognition means includes dictionary storage means for storing a plurality of dictionaries (Fig. 2A, element 21, Fig. 3A, element 32) in which words to be recognized in speech recognition are described such that the words to be recognized are divided into groups (weighting coefficients, response content level) and the respective groups of words are stored in different dictionaries (Fig. 2A, element 21, Fig. 3A, element 32 and Col. 8, Lines 22-29 and Col. 11, Lines 17-20).

As per claim 6, Edatsune (US Patent 5,802,488) discloses an interactive speech recognition device, method and computer program wherein:

speech recognition means includes a dictionary in which words to be recognized in speech recognition are described (responses, Col. 11, Lines 8-32) such that other words are linked to said words to be recognized ("Good Morning" to G-o-o-d mor-ning; Col. 12, Lines 23-32); and

said control means controls said speech recognition means such that another word linked to a word (Col. 12, Lines 23-32), which is included in the dictionary and which is obtained as a speech recognition result, is output as a final speech recognition word depending upon the growth state of the robot (Col. 12, Lines 23-32).

As per claim 7, Edatsune discloses an interactive speech recognition device, method and computer program wherein words to be recognized in speech recognition are described in said dictionary such that said words are linked to other acoustically (Good Morning to G-o-o-d morning; Col. 12, Lines 23-32) or semantically similar words.

As per claim 8, Edatsune (US Patent 5,802,488) suggests that control means controls the maximum number of words to be described in said dictionary, in accordance with the growth state of said robot (Col. 12, Lines 23-32).

### ***Response to Arguments***

4. Applicant's arguments filed 5/23/2006 have been fully considered but they are not persuasive. With respect to the comments regarding the Edatsune reference, examiner notes that in col. 11 lines 7-32, the different levels corresponding to time elapsing represents a growth or maturing process. The growth is rate is directly linked to a timing function, along with the output words. Clearly, with a monitored growth level (via time elapsation), more advanced wording is synthesized – showing the maturation/growth of the robot.


***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno  
11/30/06

  
Michael N. Opsasnick  
Examiner  
Art Unit 2626